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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/695,603
Filing Date: October 28, 2003
Appellant(s): CHAMBERS ET AL.

MAILED

JUN 29 2007

Technology Center 2600

J. Joel Justiss
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 23, 2007 appealing from the Office action mailed August 1, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,512,919 B2	Ogasawara	01-2003
6,974,078 B1	Simon	12-2005
6,750,978 B1	Marggraff et al.	06-2004
2005/0017453 A1	Rehbein et al.	01-2005
2005/0040230	Swartz et al.	02-2005
2002/0102966 A1	Lev et al.	08-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-6, 8, 11, 12, 14-18 and 21** rejected under 35 U.S.C. 103(a) as being unpatentable over **Ogasawara (U.S. Patent # 6,512,919 B2)** in view of **Simon (U.S. Patent # 6,974,078 B1)**.

Consider **claim 1**, Ogasawara clearly shows and discloses an electronic shopping system facilitates purchase transactions via a wireless videophone, reading on the claimed "system for using a mobile telephone to retrieve information about an article provided by a first distributor," (abstract), comprising:

wireless videophone **218** provided with a digital camera **236** used to scan the ***images of bar codes*** (at least a portion of article) of purchased items, reading on the claimed "a camera, associated with said mobile telephone, that records an image of at least a portion of said article," (figure 14, column 3 lines 13-14, column 18 lines 15-16); and

remote server **26**, which receives bar code data from the customer's wireless telephone **18**, searches a database and obtains a description and price for the item scanned, then the item description and price is then transmitted to the customer's wireless telephone, reading on the claimed "database, remote

from said mobile telephone, that interprets said image to identify said article and supplies information about said article to said mobile telephone based thereon," (column 6 lines 46-51).

However, Ogasawara fails to specifically disclose that the server searches more than one database from two different distributors.

In the same field of endeavor, Simon clearly shows and discloses a communication system including a personal communication device (PCD) capable of interfacing with multiple databases to obtain product related information. The communication device includes an input mechanism, such as a bar code scanner or an optical character recognition (OCR) reader, for entering product information such as product codes or names from the product labels, reading on the claimed "system for using a mobile telephone to retrieve information about an article provided by a first distributor; that records an image of at least a portion of said article; database, remote from said mobile telephone, supplies information about said article to said mobile telephone based thereon," (col. 1 lines 45-56). ***The product identifier is used by the server to search various databases over the Internet for desired product-related information in response to a search inquiry from a user. The user may desire to obtain competitive pricing information from multiple merchant databases/websites for the particular product.*** The communication server responds to the search query by sending the product related information to the PCD, and displaying at least a portion of the product related information on the

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PCD, reading on the claimed *"database, remote from said mobile telephone and synchronized with at least another database associated with a second distributor of said article, wherein said database interprets said image to identify said article and, based thereon, supplies information about said article from said database and said another database to said mobile telephone based thereon,"* (col. 1 line 61- col. 2 line 1, lines 21-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have multiple databases to perform competitive pricing, as taught by Simon in the system of Ogasawara, in order to provide product information to customers.

Consider **claim 2**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 1 above**, and in addition, Ogasawara further discloses a commercial telephone network **14** that facilitates connection of a store server **10** to a wireless telephone via a cellular telephone network **17**, to which the conventional telephone network is in communication, typically via a wire connection **16**. Alternatively, the remote server, reading on the claimed "database," communicates with the wired telephone network, via a wire connection **28**. The wire connection may alternatively comprise fiber optic, **radio**, or other communication means, reading on the claimed "coded data is received from said mobile telephone via a direct radio link," (column 5 lines 10-14, 21-25).

Consider **claim 3**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 1 above**, and in addition, Simon further discloses that the user may desire to ***obtain competitive pricing information from multiple merchant databases/websites*** (price from first distributor and second distributor) for the particular product. The communication server responds to the search query by sending the product related information to the PCD, and displaying at least a portion of the product related information on the PCD, reading on the claimed "said information includes a price of said article from said first distributor and said second distributor," (col. 1 line 61- col. 2 line 1, lines 21-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have multiple databases to perform competitive pricing, as taught by Simon in the system of Ogasawara, in order to provide product information to customers.

Consider **claim 4**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 1 above**, and in addition, Ogasawara further discloses a remote server, which receives ***bar code data*** (coded data) from the customer's wireless telephone, searches a database and obtains a description and price for the item scanned, reading on the claimed "*image contains coded data* and said coded data is decoded in a server associated with said database," (column 6 lines 46-51).

Consider **claim 5**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 1 above**, and in addition, Ogasawara further discloses calling a server with a wireless telephone so as to initiate communication between the wireless telephone and the **server** (database), and once connection between the wireless telephone and the server is established, a ***purchase transaction program*** (software) is downloaded from the server into the wireless telephone, reading on the claimed "mobile telephone contains software that defines a structure corresponding to said database," (column 12 lines 13-15, 24-26).

Consider **claim 6**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 1 above**, and in addition, Ogasawara further discloses that the wireless videophone is perfectly capable of capturing digital videographic information, such as a ***bar code pattern*** (barcode) or a graphics image pattern, reading on the claimed "coded data is contained in a barcode," (column 18 lines 27-30).

Consider **claim 8**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 1 above**, and in addition, Ogasawara further discloses that the remote server receives bar code data from the customer's wireless telephone, searches a database, obtains a description and price for the item scanned, and then ***transmits the price*** to the customer's wireless telephone, and is preferably ***displayed upon the display***, reading on the claimed "information comprises price information and said information is

transmitted to said telephone via a *selected one of MMS and email*," (column 6 lines 45-51).

Consider **claim 11**, Ogasawara clearly shows and discloses a method for performing purchase transactions via a wireless videophone, reading on the claimed "method of using a mobile telephone to retrieve information about an article," (abstract), comprising:

scanning, with a wireless videophone provided with a digital camera, images of bar codes of purchased items, reading on the claimed "recording an image of at least a portion of said article with a camera associated with said mobile telephone," (figure 14, column 3 lines 13-14, column 18 lines 15-16); and

transmitting, from a remote server, which receives bar code data from the customer's wireless telephone then searches a database and obtains a description and price for the item scanned, the item description and price to the customer's wireless telephone, reading on the claimed "interpreting said image to identify said article, and supplying information about said article to said mobile telephone," (column 6 lines 46-51).

However, Ogasawara fails to specifically disclose that the server searches multiple databases from multiple distributors.

In the same field of endeavor, Simon clearly shows and discloses a communication system including a personal communication device (PCD) capable of interfacing with multiple databases to obtain product related information. The communication device includes an input mechanism, such as a

bar code scanner or an optical character recognition (OCR) reader, for entering product information such as product codes or names from the product labels. The product identifier is used by the server to search various databases over the Internet for desired product-related information in response to a search inquiry from a user. The communication server responds to the search query by sending the product related information to the PCD, and displaying at least a portion of the product related information on the PCD, reading on the claimed "supplying information about said article to said mobile telephone, said information from multiple distributors of said article," (col. 1 lines 45-56, line 61-col. 2 line 1, lines 21-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have multiple databases to perform competitive pricing, as taught by Simon in the system of Ogasawara, in order to provide product information to customers.

Consider **claim 12**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 11 above**, and in addition, Ogasawara further discloses a commercial telephone network that facilitates connection of a store server to a wireless telephone via a cellular telephone network, to which the conventional telephone network is in communication, typically via a wire connection. Alternatively, the remote server, reading on the claimed "database," communicates with the wired telephone network, via a wire connection. The wire connection may alternatively comprise fiber optic, radio, or

other communication means, reading on the claimed "coded data is received from said mobile telephone via a direct radio link," (column 5 lines 10-14, 21-25).

Consider **claim 14**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 11 above**, and in addition, Ogasawara further discloses a remote server, which receives bar code data from the customer's wireless telephone, searches a database and obtains a description and price for the item scanned, reading on the claimed "image contains coded data and said coded data is decoded in a server associated with said database," (column 6 lines 46-51).

Consider **claim 15**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 11 above**, and in addition, Ogasawara further discloses a calling a server with a wireless telephone so as to initiate communication between the wireless telephone and the server, and once connection between the wireless telephone and the server is established, a purchase transaction program is downloaded from the server into the wireless telephone, reading on the claimed "mobile telephone contains software that defines a structure corresponding to said database," (column 12 lines 13-15, 24-26).

Consider **claim 16**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 11 above**, and in addition, Ogasawara further discloses that the wireless videophone is perfectly capable of capturing digital videographic information, such as a bar code pattern or a

graphics image pattern, reading on the claimed "coded data is contained in a barcode," (column 18 lines 27-30).

Consider **claim 17**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 11 above**, and in addition, Ogasawara further discloses that *item description and price is transmitted*, from the server, to the customer's wireless telephone and is preferably *displayed upon the display* thereof, reading on the claimed "providing, with said mobile telephone, said information to a user *visually*," (column 6 lines 49-51).

Consider **claim 18**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 11 above**, and in addition, Ogasawara further discloses that the remote server receives bar code data from the customer's wireless telephone, searches a database, obtains a description and price for the item scanned, and then transmits the price to the customer's wireless telephone, and is preferably displayed upon the display, reading on the claimed "information comprises price information and said information is transmitted to said telephone via a selected one of MMS and email," (column 6 lines 45-51).

However, Ogasawara fails to specifically disclose that the server searches more than one database from two different distributors.

Simon further discloses that the user may desire to obtain competitive pricing information from multiple merchant databases/websites for the particular product. The communication server responds to the search query by sending the

product related information to the PCD, and displaying at least a portion of the product related information on the PCD, reading on the claimed "information comprises price information of said article from said multiple distributors," (col. 1 line 61- col. 2 line 1, lines 21-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have multiple databases to perform competitive pricing, as taught by Simon in the system of Ogasawara, in order to provide product information to customers.

Consider **claim 21**, Ogasawara clearly shows and discloses a videophone, reading on the claimed "mobile telephone," (column 18 line 15), comprising:

a digital camera, reading on the claimed "camera," (column 18 line 16);

a tailored purchase transaction program that might include character recognition and/or pattern recognition, as well as **bar code decode** (interpret), reading on the claimed "software that receives an image of at least a portion of an article from said camera, interprets said image to identify said article and queues data based thereon for transmission to a database remote from said mobile telephone," (column 18 lines 17-19); and

a display wherein the item description and price transmitted from a remote server to a customer's wireless telephone is displayed, reading on the claimed "display that receives and displays information about said article from said database," (column 6 lines 46-52).

However, Ogasawara fails to specifically disclose that the server searches multiple databases from multiple distributors.

In the same field of endeavor, Simon clearly shows and discloses a communication system including a personal communication device (PCD) capable of interfacing with multiple databases to obtain product related information. The communication device includes an input mechanism, such as a bar code scanner or an optical character recognition (OCR) reader, for entering product information such as product codes or names from the product labels. The product identifier is used by the server to search various databases over the Internet for desired product-related information in response to a search inquiry from a user. The communication server responds to the search query by sending the product related information to the PCD, and displaying at least a portion of the product related information on the PCD, reading on the claimed "display that receives and displays information about said article from multiple databases, including said database, associated with multiple distributors of said article" (col. 1 lines 45-56, line 61- col. 2 line 1, lines 21-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have multiple database to perform competitive pricing, as taught by Simon in the system of Ogasawara, in order to provide product information to customers.

5. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ogasawara (U.S. Patent # 6,512,919 B2)** in view of **Simon (U.S. Patent # 6,974,078 B1)**, in further view of **Marggraff et al. (U.S. Patent # 6,750,978 B1)**.

Consider **claim 7**, and **as applied to claim 1 above**, Ogasawara, as modified by Simon, clearly shows and discloses the claimed invention except that the product information is provided acoustically.

In the same field of endeavor, Marggraff et al. clearly show and disclose a system to provide auxiliary information to a user, conveniently and efficiently. The system comprises a print media receiving unit and an information server computer adapted to perform a task after receiving the information relating to a position of a selected portion of a print medium. A user places a magazine on the print media receiving unit, and touches the stylus to, e.g., an advertisement for a theater show in the magazine, electronics in the print media receiving unit will identify the print item selected by the user. The selected information can be sent to an information source such as an information database and sends it to the user. ***The sent information may be in the form of a sound file.*** After the print media receiving unit receives the data transmitted from the information server computer, a **speaker** in the print media receiving unit ***audibly recites*** the days certain tickets are available and their price, reading on the claimed "acoustically provides said information to a user," (col. 2 lines 25-43, col. 23 lines 56- col. 24 line 3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to audibly recite information, as taught by Marggraff et al. in the system of Ogasawara, in order to auxiliary information to a user, conveniently and efficiently.

6. **Claims 9 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ogasawara (U.S. Patent # 6,512,919 B2)** in view of **Simon (U.S. Patent # 6,974,078 B1)**, in further view of **Rehbein et al. (Pub # US 2005/0017453 A1)**.

Consider **claim 9**, and as applied to **claim 8** above, Ogasawara, as modified by Simon, clearly shows and discloses the claimed invention except the price is transmitted in at least two currencies.

In the same field of endeavor, Rehbein et al. discloses an electronic device, preferably a handheld digital device that has a computer portion and a screen, that is capable of displaying a computer application that allows two parties to perform a transaction without the use of spoken word. The handheld device can be a cellular phone **168**, reading on the claimed "mobile telephone," (abstract, paragraph 0003 and paragraph 0011). The electronic device may be adapted to allow a second party to enter a monetary amount **202**, reading on the claimed "price information," into the device corresponding to a second party currency. The device can be further configured to allow the first party to convert the entered second monetary amount **203** into an amount corresponding to a first

party currency, reading on the claimed "database contains said price information in at least two different currencies," (paragraph 0023, figure 21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide at least two different currencies to be displayed on an electronic device (Rehbein et al.; figure 21), as taught by Rehbein et al. as another use for the system of Ogasawara, as modified by Simon, of the item description and price retrieved from the remote server.

Consider **claim 19**, and **as applied to claim 18 above**, Ogasawara, as modified by Simon, clearly shows and discloses the claimed invention except the price is transmitted in at least two currencies.

In the same field of endeavor, Rehbein et al. discloses an electronic device, preferably a handheld digital device that has a computer portion and a screen, that is capable of displaying a computer application that allows two parties to perform a transaction without the use of spoken word. The handheld device can be a cellular phone, reading on the claimed "mobile telephone," (abstract, paragraph 0003 and paragraph 0011). The electronic device (mobile telephone) may be adapted to allow a second party to enter a monetary amount, reading on the claimed "price information," into the device corresponding to a second party currency. The device can be further configured to allow the first party to convert the entered second monetary amount into an amount corresponding to a first party currency, reading on the claimed "database

contains said price information in at least two different currencies," (paragraph 0023, figure 21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide at least two different currencies to be displayed on an electronic device (Rehbein et al.; figure 21), as taught by Rehbein et al. as another use for the method of Ogasawara, as modified by Simon, of the item description and price retrieved from the remote server.

7. **Claims 10 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Ogasawara (U.S. Patent # 6,512,919 B2)** and **Simon (U.S. Patent # 6,974,078 B1)** in view of **Swartz et al. (Pub # US 2005/0040230)**, and in further view of **Lev et al. (Pub # US 2002/0102966 A1)**.

Consider **claim 10**, and **as applied to claim 1 above**, Ogasawara, as modified by Simon, clearly shows and discloses the claimed invention except that information from bar code data from different purchases can be stored in the memory of the wireless videophone.

In the same field of endeavor, Swartz presents an invention that relates to a consumer interactive shopping and a marketing system. This system includes a portable data terminal with a video display **72** used to present data by retrieving associated data files stored at remote addresses by employing a wireless communication network, reading on the claimed "system for using a mobile telephone to retrieve information about an article," (abstract and paragraph

0005). In an embodiment of the invention, customers can access lists of previously purchased items, reading on the claimed "information from a plurality of articles," on the portable terminals. The portable terminal may be able to access a list of previously items form its memory, reading on the claimed "memory in said mobile telephone stores data pertaining to a plurality of articles," (paragraph 0211).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention to store information from multiple purchase transactions in a portable data terminal as taught by Swartz et al. in the system of Ogasawara, as modified by Simon, in order to provide better service to the consumer.

The combination of Ogasawara and Simon, as modified by Swartz et al. as discussed above shows the limitations claimed, except they do not specifically disclose that the images are in video sequence.

In the same field of endeavor, Lev et al. clearly show and disclose in their object identification method for wireless portable devices that the imaging device is a device capable of capturing single or multiple images or video streams and converting them to digital information, reading on the claimed "image is a video sequence," (paragraph 0097).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to not only use a single image, but also a video stream of the image as taught by Lev et al. in the system of Ogasawara

and Simon, as modified by Swartz et al., in order to successfully capture the barcode to transmit to a remote server.

Consider **claim 20**, and as **applied to claim 11 above**, Ogasawara, as modified by Simon, clearly shows and discloses the claimed invention except that information from bar code data from different purchases can be stored in the memory of the wireless videophone.

In the same field of endeavor, Swartz presents an invention that relates to a consumer interactive shopping and a marketing system. This system includes a portable data terminal with a video display used to present data by retrieving associated data files stored at remote addresses by employing a wireless communication network, reading on the claimed "method of using a mobile telephone to retrieve information about an article," (abstract and paragraph 0005). In an embodiment of the invention, customers can access lists of previously purchased items, reading on the claimed "information from a plurality of articles," on the portable terminals. The portable terminal may be able to access a list of previously items form its memory, reading on the claimed "storing, in a memory in said mobile telephone, data pertaining to a plurality of articles," (paragraph 0211).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention to store information from multiple purchase transactions in a portable data terminal as taught by Swartz et al. in the system

of Ogasawara, as modified by Simon, in order to provide better service to the consumer.

The combination of Ogasawara and Simon, as modified by Swartz et al. as discussed above shows the limitations claimed, except they do not specifically disclose that the images are in video sequence.

In the same field of endeavor, Lev et al. clearly show and disclose in their object identification method for wireless portable devices that the imaging device is a device capable of capturing single or multiple images or video streams and converting them to digital information, reading on the claimed "image is a video sequence," (paragraph 0097).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to not only use a single image, but also a video stream of the image as taught by Lev et al. in the method of Ogasawara and Simon, as modified by Swartz et al., in order to successfully capture the barcode to transmit to a remote server.

8. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ogasawara (U.S. Patent # 6,512,919 B2)** in view of **Simon (U.S. Patent # 6,974,078 B1)**, in further view of **Lev et al. (Pub # US 2002/0102966 A1)**.

Consider **claim 13**, and as applied to **claim 12 above**, Ogasawara, as modified by Simon, clearly shows and discloses the claimed invention except that the wireless network has to conform to a particular standard.

In the same field of endeavor, Lev et al. clearly show and disclose an object identification method for wireless portable devices for a user equipped with a portable wireless imaging device to obtain information related to the imaged objects, reading on the claimed "system for using a mobile telephone to retrieve information about an article," (abstract, figure 1 and figure 2). Once the image is acquired, it is transmitted through any wireless/wire line combination of data transmission paths to a remote server, reading on the claimed "database." The remote server could be far apart or a few meters away from the imaging device and connected to it by a WLAN such as Bluetooth, reading on the claimed "direct radio link conforms to a standard selected from the group consisting of: Bluetooth, WLAN, and HomeRF/SWAP," (paragraph 0061).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a standard wireless connection such as Bluetooth or WLAN as taught by Lev et al. in the method of Ogasawara, as modified by Simon, in order to provide optimal communication between the wireless videophone and remote server.

(10) Response to Argument

Appellants basically argue that the combination of Ogasawara and Simon is improper since there is no suggestion or motivation to combine Simon with Ogasawara. In particular, Simon "frustrates" the invention of Ogasawara. With regards to Appellants arguments, Examiner respectfully disagrees. The system of Simon seeks to improve a system similar to that of Ogasawara (*Automated order and delivery systems have been*

*proposed for enhancing customer sales transactions in an environment in which the point-of-sale and merchandise warehouse are located in a combined facility. Such systems provide customers with hand-held sale transaction computers in communication with a central point-of-sale computer system through radio frequency transmissions. When shopping for an item, the customer enters a customer identification number. The customer is then able to build a sale transaction record by reading a product code with a pen or a wand to select the item for purchase. The user is also able to obtain product information from the central computer such as item price, stock availability and a product description. In this manner, the customer is able to build up a sale transaction record and transmit the transaction record to the central computer to effectuate warehouse deliver according to customer entered delivery instructions. Such systems, however, are limited to providing customers with information from a single proprietary merchandise database operated by a single merchant. The customer is unable to obtain information from other databases that are not operated by the merchant. Further, as the hand-held interface devices must be returned to the merchant, the customer is limited to obtaining any product-related information from the point-of-sale location. **Accordingly, what is needed in the art is a portable device that allows a customer to obtain product-related information from multiple databases from any location** [Simon; col. 1 lines 14-41]).*

Appellants further argue that Ogasawara and Simon, individually or in combination, do not teach or suggest supplying information about an article from multiple distributors of the article based on interpreting an image, of at least a portion of

an article recorded by a camera associated with a mobile telephone, to identify the article. In particular, the information retrieval and communication system of Simon does not supply information about the product to the personal communication device from the various databases based on interpreting an image of the product, but searches various databases over the Internet for desired product-related information in response to a search inquiry from a user. With regards to Appellants arguments, Examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As cited in the previous action and above, Ogasawara teaches ***a remote server 26, which receives bar code data from the customer's wireless telephone 18, searches a database and obtains a description and price for the item scanned, then the item description and price is then transmitted to the customer's wireless telephone***, reading on the claimed "database, remote from said mobile telephone, that interprets said image to identify said article and supplies information about said article to said mobile telephone based thereon," (column 6 lines 46-51). The Simon reference is used to overcome the limitation *supplies information about said article from said database and said another database to said mobile telephone*. First, the Ogasawara reference already reads on *interprets said image... and supplies information about said article...based thereon*. In addition, the product identifier of Simon is first searched by the server (*The communication device*

*establishes a communication link with a communications server, and the **product information is transmitted to the server, which interfaces with one or more product information libraries to determine a product identifier based on the input product information. The product identifier is used by the server to search various databases over the Internet for desired product-related information in response to a search query from the user** [Simon; col. 1 lines 56-64]). Therefore, **based on this interpretation** (server interfaces with one or more product information libraries to determine a product identifier based on the input product information), the server is able to search various databases in order to **supply information.***

Appellants further argue that Ogasawara and Simon fail to teach or suggest software that interprets an image to identify an article, and queues data based on interpreting for transmission to a mobile telephone and a display that receives and displays information about the article from multiple databases, including the database, associated with multiple distributors of the article. With respect to Appellants arguments, Examiner respectfully disagrees. As cited in the previous action and above, Ogasawara teaches a *tailored purchase transaction program (software) that might include character recognition and/or pattern recognition, as well as **bar code decode** (interprets and image to identify an article), (column 18 lines 17-19). The remote server 26, which receives bar code data from the customer's wireless telephone (queues based on interpreting for transmission), searches a database and obtains a description and price for the item scanned, then the item description and price is then transmitted to the customer's wireless telephone, (column 6 lines 46-51). A display wherein the item*

description and price transmitted from a remote server to a customer's wireless telephone *is displayed* (displays information about article), (column 6 lines 46-52). The Simon reference teaches *that the product identifier is used by the server to search various databases over the Internet for desired product-related information in response to a search inquiry from a user*, which overcomes the limitation of a display that receives information about the article from **multiple databases**, (col. 1 lines 45-56, line 61- col. 2 line 1, lines 21-26).

Appellants further argue that Ogasawara and Simon, as well as the other cited references, fail to teach or suggest what is claimed in every depending claim in combination with the base claims. With regards to Appellants arguments, Examiner respectfully disagrees. As explained by the Examiner above, the combination of Ogasawara and Simon teaches each and every limitation of the independent claims and are properly combined. Further, as cited in the previous action and above, the combination of Ogasawara and Simon, as well as the other cited references (Marggraff et al., Rehbein et al., Swartz et al. and Lev et al.) clearly shows and discloses the claimed limitations, and establish a *prima facie* case of obviousness.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 2617


Respectfully submitted,

Jaime Holliday

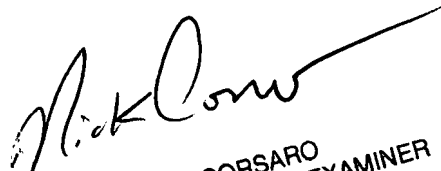
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